

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 28TH NOVEMBER 2006 / 7TH AGRAHAYANA 1928

WP(C).No. 30437 of 2006(W)

PETITIONER:

1. A. ABDUL KADER, S/O.ABOBACKER,
AGED 48 YEARS, ARAKKAL HOUSE, AZHEEKODE AMSOM
DESOM, POST KALYASSERI, KANNUR DISTRICT.
2. A. ABDUL HAMEED, S/O.ABOBACKER,
AGED 38 YEARS, ARAKKAL HOUSE,
AZHEEKODE AMSOM DESOM, POST KALYASSERI,
KANNUR DISTRICT.

BY ADV. SMT.LATHA PRABHAKARAN
SMT.M.V.ASHA BINDU

RESPONDENTS:

1. PAPPINISSERY GRAMA PANCHAYATH
KANNUR DISTRICT, REPRESENTED BY ITS
SECRETARY.
2. THE STATE OF KERALA, REP. BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
3. THE KERALA COASTAL ZONE MANAGEMENT
AUTHORITY, THIRUVANANTHAPURAM.
REPRESENTED BY ITS DIRECTOR & MEMBER SECRETARY.
4. THE DISTRICT COLLECTOR, KANNUR.

BY G.P. SRI.MATHEW G.VADAKKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 30437 of 2006

Dated this 28th day of November, 2006

JUDGMENT

The petitioners are aggrieved by Ext.P3 order passed by the Secretary of the Pappinissery Grama Panchayat rejecting their application for construction of a residential building on the ground that house construction is not permitted since the property of the petitioners falls within the Coastal Regulation Zone area. Smt. Latha Prabhakaran, the learned Counsel for the petitioner would refer to Ext.P4 and submit that the petitioners are yet to be served with a copy of the letter of the member Secretary of the Kerala Coastal Zone Management Authority dated 9.5.2005 referred to in Ext.P3. The learned counsel would also submit that she will be able to convince this court that the petitioners' property does not fall within the CRZ area.

2. Even though learned Counsel was very persuasive in her submissions, since I find that the petitioners have remedy by

way of an appeal against Ext.P3, I am not inclined to examine the merits of the matter. I therefore, relegate the petitioners to remedy by way of an appeal against Ext.P3. However, considering submission of the petitioners that the petitioners have not even been supplied with a copy of letter No. 65/B1/05/C 2002 dated 9.5.2005 of the Secretary of the Kerala Coastal Zone Management Authority so far, there will be a direction to the first respondent Panchayat to serve the petitioners with a copy of that letter within three weeks of the petitioners making available copy of this judgment.

The writ petition will stand disposed of with the above direction relegating the petitioners to remedy by way of an appeal against Ext.P3.

PIUS C.KURIAKOSE
Judge

dpk